

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 3, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2619

Introduced by Assembly Member Daucher

February 24, 2006

An act to amend Sections 4, 17, and 20.6 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2619, as amended, Daucher. Orange County Water District.

(1) The Orange County Water District Act requires the ~~board~~ *Board* of ~~directors~~ *Directors* of the Orange County Water District to appoint an assessor and tax collector and authorizes the board to appoint the county assessor and county tax collector of the County of Orange (*county*) to perform those functions on behalf of the district. The act authorizes the board of directors to appoint and employ attorneys, engineers, and such other officers and employees for the district that the board deems necessary, to prescribe their duties, powers, and compensation, and provides that officers and employees of the district hold office at the pleasure of the board.

This bill would require the county assessor and county tax collector of the ~~County of Orange~~ to perform the duties of those respective officers on behalf of the district. The bill would authorize the district to appoint and employ engineers and other officers and employees that the district deems necessary, and to prescribe their duties, powers, and compensation.

(2) The act requires the board of directors of the district to furnish the ~~Board~~ *board* of ~~Supervisors~~ *supervisors* and auditor of the ~~County of Orange~~ *county*, by the first meeting of the board of supervisors in August of each year, with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year. The act provides that this estimate, less available funds on hand, shall be deemed sufficient to provide the necessary funds to carry out the purposes of the district, excluding those projects or works that the board of directors of the district deems advisable or necessary to be financed by bonded indebtedness.

This bill would delete the provision declaring that the estimate, less available funds on hand, shall be deemed sufficient to provide the necessary funds to carry out the purposes of the district, excluding those projects or works that the board of directors of the district deems advisable or necessary to be financed by bonded indebtedness.

(3) The act requires the board of directors of the district, before certain purposes and projects are instituted and carried out, to determine whether the purpose or project is feasible and necessary and of general benefit to the lands in the district, and to estimate and determine the amount of money necessary to be raised for each purpose or project.

This bill would delete acquiring water and water rights from the purposes or projects subject to this requirement and would add acquiring water treatment or purification facilities, pumping stations, injection wells, and other facilities, to those purposes or projects subject to this requirement.

(4) The act requires the board of directors of the district to cause engineering investigations, surveys, examinations, drawings, plans, and reports to be made to furnish the proper basis for assessing the purposes or projects and estimating the cost of the purposes or projects. The act requires that all engineering investigations, examinations, drawings, plans, and reports be made under the direction of, and certified by, a competent engineer selected by the directors.

This bill would require that all engineering investigations, *surveys*, examinations, drawings, plans, and reports be made under the direction of, and certified by, a licensed engineer or geologist. The bill would require that all engineering investigations, *surveys*, examinations, drawings, plans, and reports be included in a report of a

licensed engineer or geologist, and be approved by the board of directors prior to the beginning of work on the purpose or project.

By establishing requirements on the district, the bill would impose a state-mandated local program.

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4 of the Orange County Water District
- 2 Act (Chapter 924 of the Statutes of 1933), as amended by
- 3 Chapter 379 of the Statutes of 1987, is amended to read:
- 4 Sec. 4. (a) The government of the district shall be vested in
- 5 the board of directors to consist of 10 members to be elected or
- 6 appointed pursuant to this act, and a president, a first vice
- 7 president, and a second vice president to be appointed from the
- 8 10 members of the board of directors and to hold office at the
- 9 pleasure of the board of directors.
- 10 (b) The board of directors shall appoint, by a majority vote, a
- 11 general manager, a secretary, treasurer, and auditor, and shall
- 12 define their duties and fix their compensation. Each of these
- 13 officers shall serve at the pleasure of the board. The county
- 14 assessor and county tax collector of the County of Orange shall
- 15 perform the duties of the office of assessor and tax collector for
- 16 the district without additional compensation being paid by the
- 17 district, in order to carry out the provisions of this act.

1 (c) The district may appoint and employ an engineer or
2 engineers for the district and other officers and employees for the
3 district ~~as that~~, in the judgment of the district, may be deemed
4 necessary, and prescribe their duties and powers and
5 compensation.

6 SEC. 2. Section 17 of the Orange county Water District Act
7 (Chapter 924 of the Statutes of 1933), as amended by Chapter
8 141 of the Statutes of 1970, is amended to read:

9 Sec. 17. (a) The board of directors, on or before the first
10 meeting of the board of supervisors of Orange County in August
11 of each year, shall furnish the board of supervisors and the
12 auditor of Orange County with an estimate in writing of the
13 amount of money needed for the initiated or authorized purposes
14 of the district for the current fiscal year, including the purchase
15 of supplemental water for the replenishment of groundwater
16 supplies of the district and amounts necessary for the payment of
17 the principal of, and interest on, any bonded debt of the district as
18 it becomes due.

19 (b) (1) The amount of the general assessment levied during
20 any year, excluding the amounts necessary for the payment of the
21 principal of, and interest on, any bonded debt of the district, shall
22 not exceed twenty cents (\$0.20) for each one hundred dollars
23 (\$100), or fraction thereof, of assessable property in the district,
24 excluding personal property, according to the last assessment
25 rolls of Orange County.

26 (2) A tax rate in excess of eight cents (\$0.08) for each one
27 hundred dollars (\$100), or fraction thereof, of assessable property
28 in the district, excluding personal property, according to the last
29 assessment rolls of Orange County, shall not be established
30 unless authorized by an affirmative vote of eight of the members
31 of the Board of Directors of the Orange County Water District.

32 (3) The general assessments provided for in this section shall
33 not exceed eight cents (\$0.08) for each one hundred dollars
34 (\$100), or fraction thereof, of mineral rights, where the mineral
35 rights are assessed separately from the land.

36 (4) All funds derived from a general assessment in excess of
37 those derived from eight cents (\$0.08) for each one hundred
38 dollars (\$100), or fraction thereof, of assessable property in the
39 district of any general assessment shall be deposited and applied
40 to the water reserve fund.

1 (c) The amounts deposited and applied to the water reserve
2 fund shall be used solely and exclusively for all of the following
3 ~~purpose~~ *purposes*:

4 (1) The purchase of supplemental water for the replenishment
5 of the ~~ground-water~~ *groundwater* supplies of the district.

6 (2) Acquiring, constructing or developing intrusion prevention
7 projects, spreading grounds or basins, ~~waste-water~~ *wastewater*
8 reclamation and water salvage projects, canals, conduits,
9 pipelines, wells, or other works useful or necessary for the
10 purposes of the district and to carry out the provisions of this act.

11 (3) Acquiring any real or personal property or rights or
12 privilege therein useful or necessary for the foregoing projects or
13 works or for the purposes of the district and to carry out the
14 provisions of this act.

15 (d) In addition to the purchase of supplemental water for the
16 groundwater supplies of the district from the water reserve fund
17 and from the replenishment fund, the board ~~or~~ *of* directors may
18 purchase water for the replenishment of the groundwater supplies
19 of the district from the general fund upon the affirmative vote of
20 at least eight members of the board of directors.

21 SEC. 3. Section 20.6 of the Orange County Water District
22 Act (Chapter 924 of the Statutes of 1933), as amended by
23 Chapter 508 of the Statutes of 1963, is amended to read:

24 Sec. 20.6. (a) For the purpose of constructing, purchasing,
25 leasing or otherwise acquiring storage sites, water treatment or
26 purification facilities, pumping stations, injection wells,
27 spreading grounds, lands, canals, conduits, or other facilities,
28 rights and privileges useful or necessary for the purposes of the
29 district, and otherwise carrying out this act, and before any
30 purposes or projects are instituted and carried out, the board of
31 directors of the district shall determine whether any purpose or
32 project is feasible and necessary and of general benefit to the
33 lands in the district, and shall also estimate and determine the
34 amount of money necessary to be raised for each purpose or
35 project.

36 (b) For the purpose of ascertaining the feasibility, necessity,
37 and general benefit of any purpose or project and the amount of
38 money necessary to be raised, the board *of directors* shall cause
39 engineering investigations, surveys, examinations, drawings,

1 plans, and reports to be made as shall furnish the proper basis for
2 the purpose or project and its estimated cost.

3 (c) The engineering investigations, *surveys*, *examinations*,
4 drawings, plans, and reports, and estimated cost, may reflect that
5 the works necessary for a completed purpose or project shall be
6 constructed progressively during a period of years. All
7 engineering investigations, *surveys*, examinations, drawings,
8 plans, and reports shall be made under the direction of a licensed
9 engineer or geologist, and shall be certified by him or her. All
10 data obtained by Orange County Flood Control District and all
11 other available engineering data may be considered in all of the
12 engineering investigations. The engineering investigations,
13 *surveys*, examinations, drawings, plans, and reports, as
14 applicable, shall be included in a report of a licensed engineer or
15 geologist, to be approved by the board *of directors* prior to the
16 beginning of work on the purpose or project.

17 ~~SEC. 4. If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code.~~

22 *SEC. 4. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *the only costs that may be incurred by a local agency or school*
25 *district are the result of a program for which legislative authority*
26 *was requested by that local agency or school district, within the*
27 *meaning of Section 17556 of the Government Code and Section 6*
28 *of Article XIII B of the California Constitution.*